

## BRIEFS FOR BECKER CALLED BOOMERANG

State Brands Attacks on Goff  
and Whitman as Slurs  
on Justice.

BOTH SIDES ARE READY

Defence Bases Hopes for New  
Trial on Proof of a  
"Hidions Plot."

Assistant District Attorney Robert C. Taylor received from the printers yesterday the last section of the brief which will go to the court of appeals in the argument to-morrow in the case of former Police Lieutenant Charles Becker. The arrival of this section completes all the necessary papers and counsel on both sides are ready for the last appeal.

Mr. Taylor for the State and Joseph H. Shay and Arthur W. Palmer for the defence agree that seldom, if ever, has a court of last resort received briefs of precisely similar tenor. So far as the defence is concerned there is no mixing of words in the assertions that Justice Goff's conduct in the case made it a "mockery of justice"; that Becker was convicted by the "most terrible conspiracy ever perpetrated"; that District Attorney Whitman was guilty of bribery to get the testimony of Rose, Schepps, Vallon and Webber; and that the court and all its officers bowed to public opinion, which had been inflamed until it demanded Becker as a victim.

In his reply Mr. Taylor declares that the Becker trial was conducted by the defence in a way to cast reproach upon the administration of justice; that it resorted to obstructive tactics from the beginning and that its allegations of unfairness and bias against Justice Goff are based upon the efforts of the presiding judge to keep the counsel for the defence within reasonable bounds.

**Calls Exceptions Appalling.**

Mr. Taylor cites illustrations of his assertions that John F. McIntyre was guilty of obstructing the orderly procedure of justice. He would not admit that Herman Rosenthal was killed and a remark: "We object to the introduction of everything," is set up as a "straw to show which way the wind blew." The Assistant District Attorney points out that Mr. McIntyre took 1,643 exceptions during the trial and comments on this as "appalling."

"It was manifest early," says the brief, "that the defendant was outrageously blocking the progress of the trial. An analysis of the incidents will show that every clash between judge and lawyer was due to the obstructive and dilatory tactics of the defendant's counsel."

Mr. Taylor dwells at length upon this alleged obstructive policy. In the conclusion of this part he says: "The writer believes that he has demonstrated the wicked recklessness of most of the charges and submits that the wanton transports of the brief will go far to discredit the entire instrument."

The brief does not seem to regard the assertions of "newly discovered evidence" as very serious. The affidavits obtained for the purpose of securing a new trial, he denounces as "99 per cent. trash and incompetent for any purpose."

Mr. Taylor also pays considerable attention to the testimony of Sam Schepps, whether he was an accomplice or a corroborating witness as required by law. Mr. Taylor said the jury decided that he was not an accomplice and therefore a corroborating witness. He may have known of the murder and the murders afterward, but that does not make him an accomplice in the original crime.

So far as the verdict is concerned Mr. Taylor says that it was conclusive and that no argument that there is a reasonable doubt now can be urged.

**Defence Charges Conspiracy.**

Becker's attorneys declare him the victim of a hideous conspiracy, the victim of a mockery of a trial wherein Justice Goff's bias was shown in every ruling. They accuse the District Attorney of "bribing witnesses by immunity agreements to have them attribute a murder to the defendant."

Mr. Palmer in his brief asserts that Becker's conviction was demanded by inflamed public opinion and that he practically was convicted before he went to trial. Mr. Palmer continues with reference to Rose, Vallon, Schepps and Bridget Webber.

"Soon after the murder, with the public mind fixed on the guilt of Becker, unmistakable evidence was found through the commendable efforts of the District Attorney, fastening the crime upon the Goff's bias and his fellows beyond the possibility of escape. The electric chair was their inevitable fate unless they could invent a theory to shift the blame on the man believed by the public to have directed them in the perpetration of this murder and in whose guilt there was no doubt in the public mind."

"Does any sane man believe that Rose and his companions would fall to save themselves, and though Becker be not guilty, does any man believe that they would have gone to the chair rather than shift the blame to innocent shoulders? The motive was compelling, the opportunity was perfect."

"The testimony given on the trial was certain to be forthcoming under the tremendous bribe to the witnesses of their lives and liberty."

The brief then takes up in detail the conduct of the Justice on the trial, the treatment of John F. McIntyre, attorney for the defence, and concludes with the comment that in the judge's charge the defence was dismissed with scant paragraphs.

**FOUND PASSENGER PIGEON.**

**Oregon Ornithologist Thinks Long Search Is Rewarded.**

PENDLETON, Ore., Nov. 29.—Belief that after years of seeking and the offer of large rewards he has found the nesting place of some American passenger pigeons, thought by ornithologists to be extinct, was announced here to-night in a letter to Prof. Hodge of the University of Oregon.

As late as 1878, said Prof. Hodge, flocks of passenger pigeons at times literally darkened the skies of Michigan, but the species rapidly disappeared.

Prof. Hodge announced his intention of visiting the nesting place next spring and said that with Federal aid he would try to revive the species because of their immense value to farmers as insect destroyers.

**TEXAN HUGS BEAR TO DEATH.**

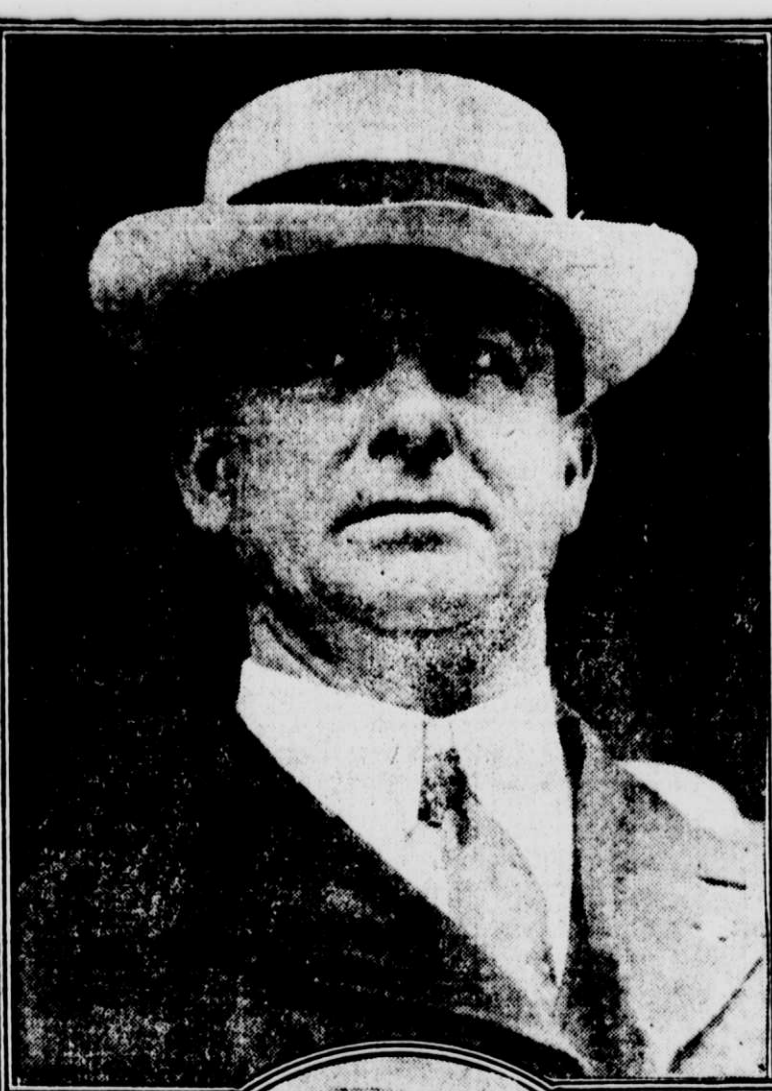
**Had Already Shot Two When He Grappled With Third.**

ALBUQUERQUE, N. M., Nov. 29.—Hood Menden of Alpine, Tex., and a fair sized black bear, engaged in a head-on match yesterday in the Davis Mountains, near Alpine, that resulted fatally to the bear and in serious injury to Menden.

For a while it appeared that the bear would hug the hunter to death, but he finally got both arms around the animal's neck and killed it.

Menden had killed a bear in a cave and was dragging it out when the mother bear came and attacked him. He shot it and was dragging its body when the third member of the family appeared. His gun was thirty feet away, so man and bear grappled.

## Convicted Policeman: Man Who May Aid Him



## SACKETT'S SUIT FOR SAVING STEPHENSON

Asks \$50,000 of Senator for  
Work Done During  
Investigations.

NOT BEFORE THE ELECTION

Wisconsin Member Will Contend  
Prosecutor Said He Ex-  
pected No Pay.

MILWAUKEE, Nov. 29.—Developments in the suit of Eugene Sackett of Berlin, Wis., against United States Senator Stephenson show that the prosecutor asks \$50,000 for services rendered since the election in 1908 and not for assistance in obtaining Stephenson's election.

Sackett's work consisted of coaching witnesses, rounding up the defence's testimony and other work in connection with the investigation of Stephenson's election by the State Legislature and the United States Senate.

Sackett asks nothing for his expenditure of \$100,000 in behalf of Stephenson during the primary election campaign. Part of the defence of Stephenson will be Sackett's own testimony before the legislative investigating committee, in which he said that he had received nothing from Stephenson and expected nothing. He admitted that his expenses had been paid.

It appears, however, that Sackett will not allow himself to be beaten by the testimony in Wisconsin, making his suit for services rendered since the election. Stephenson's attorneys, it is understood, will bring forward as part of the evidence Sackett's testimony that he did not expect to be paid.

According to the friends of Stephenson here the first hint that Sackett thought he had a claim against the Senator came with the filing in September last, three years after the legislative contest ended, of a demand upon the Senator for immediate settlement of the account. There was some correspondence and finally on October 22 Sackett put his demand into the following formal letter:

"I now submit to you the following proposition: If Senator Stephenson will pay me within the next ten days \$25,000 I will execute to him a release of all claims and demands upon him, of whatsoever nature, this proposition to remain open for ten days only. I respectfully request a definite answer on or before November 2, 1913."

Senator Stephenson did not send the \$25,000, and a few days after the ten day ultimatum expired Sackett raised his figure to \$50,000, the amount for which he started suit when he again failed to get a settlement.

Services rendered Stephenson during the primary campaign were confidential in the highest degree, for Sackett was entrusted, according to his testimony both before the State and Federal investigating committees, with the expenditure of about \$100,000 of Stephenson's money, of a total of \$107,000 disbursed to obtain the lumberman's election.

According to the suit now pending, Sackett does not ask pay for this service, which was gratis, but for his work later in rounding up witnesses and in handling the defence of the expenditure of money in the various investigations. He was busy during nearly all the time the investigators were working on the case, about three months in all.

Servicing to the suit, Stephenson, however, include his settlement by compromise of various heavy claims against the Senator, services which are usually highly paid, and this is the reason for the high amount asked in the suit at Washington.

Sackett was never the campaign manager, but except in acting as auditor was subordinate to E. A. Edmunds, the real manager of the campaign.

## NEW EVIDENCE IS HOPE OF BECKER

Continued from First Page.

is known. As recently as November 15 he was in Paris, having gone there from London a few days earlier. He is not generally known by his own name, but has taken that of S. Kahn. He declares his intention of remaining in Europe permanently, explaining that "America offers no inducements for a man of my abilities." In that he is perhaps quite right.

"One object in his going to Paris is to arrange for the production of a moving picture entitled 'The Wages of Sin,' in which he, Jack Rose and Harry Vallon are the chief actors. The scenario was written by Rose. The pictures, it is told in Paris, were shown in New York only long enough to enable Schepps, Vallon and Rose to obtain an advance from the company which put the pictures on view. The police of New York, it is further reported, would not permit the exhibition of the movie play. In Paris also the police, whether through professional sympathy with the ex-police lieutenant or not, have refused permission for the play to be produced, declaring that it might be an incentive for low minded persons to commit crime."

**Accuses Bridget Webber.**

"Schepps, who, as might be expected, makes night resorts of a certain class his headquarters, is severe in his criticisms of Bridget Webber, who, he insists, was the instigator of the killing of Rosenthal. Webber, after the conclusion of the Becker trial, was the only one of the quartet consisting of Webber, Schepps, Vallon and Rose who had any considerable amount of money. When the trial was over Webber gave his associates the frozen face, as they expressed it. As a result they do not love him any more."

"Schepps has told several persons in Paris that his evidence would show that Webber was the main instigator of the Rosenthal murder, and that whatever else Becker may have done he was not instrumental in the killing of the former East Side gambler. When he was asked why he has this evidence in his possession he does not use it to prevent the execution of five innocent men for a crime which they did not actually commit. He replies that he knows of no reason why he should place himself in possible jeopardy by returning to the United States and going on the witness stand in a second trial of the Becker case."

"Well, we shall see what turns up," commented the man who was discussing the case.

After a few moments' reflection he continued: "Who did kill Herman Rosenthal? Who incited his killing? Just why was he killed? I don't know. Who does know? Perhaps Bridget Webber and Harry Vallon know. Yes, perhaps they know. Vallon, more particularly, may know who fired the shot that killed him. You never can tell."

**Newly Found Evidence.**

"As to newly discovered evidence which might be produced at a second trial of Becker it is not generally known that before it was decided to kill Rosenthal the plan was proposed of inveigling him to a room where he was to be strangled to death, a handkerchief marked 'B' to be placed under his body and a battered cuff link, also with the initial 'B,' to be laid near the corpse. By prearrangement Becker was to be induced to be in the immediate neighborhood of the scene at the time of the murder. These and other incidents

were to have been introduced as circumstantial evidence after Becker had been arrested on the charge of committing the murder. These are the facts:

"James Feltus is a semi-professional wrestler and professional street brawler. He is a well educated man, fine looking and has a wonderful physique. In addition to engaging in wrestling bouts he has been a floor walker in various New York department stores and has also been a demonstrator in other places."

"In the summer of 1912 he engaged in a wrestling exhibition match at Newark with an Italian named Pardo. In the contest two of Feltus's ribs were injured. He came to New York for treatment, stopping at the Herald Square Hotel. From there he telephoned to a doctor for the purpose of making an appointment to have his ribs examined. By mistake he called up a doctor of the same name as the physician he wished to see, giving his name and business and explaining how he was hurt. When Feltus found that he was talking to the wrong man he became angry and expressed himself freely and in a loud voice. Jack Rose happened to be sitting near the phone at the time and heard the conversation."

**Feltus's Past Record.**

"Before his wrestling match Feltus had been a floorwalker in a department store. Later he occupied a similar position in a department store in Fifth avenue. He left there after a time and became a demonstrator of a certain kind of paper envelope which is not affected by fire. He demonstrated this envelope in the window of a stationery store in Nassau street not far from Maiden lane. While so employed he happened to be riding down the Bowery in an open street car. As the car reached No. 178, which was occupied by a saloon, a row started in the place and several shots were fired, one of which passed close to the head of a man who was seated next to Feltus."

"The car stopped and Feltus and other passengers ran to the saloon for the purpose of seeing the row. Several policemen came up and with Feltus entered the place. There Policeman Rosenthal asked Feltus if he could identify any of the men who had fired the shots. Feltus replied that he had seen several men run out of the saloon after the firing but did not see any of them in the saloon then. Rosenthal asked him to keep his eyes open and if he saw any of the men a day or two later to inform him, which Feltus agreed to do."

"A few days afterward Feltus entered the saloon and after ordering a drink looked around for the men who had been running out of the place after the shooting. Several hard looking men watched him and walking up to him demanded if he was a policeman and what he was looking for, at the same time backing him up against the wall and pressing a pistol against his body."

**Arrests Interest of Rose.**

At this moment Jack Rose entered the saloon and seeing Feltus recognized him as the man he had seen telephoning from the Herald Square Hotel, and who had then described himself as a wrestler. Rose, it may be said, has at times managed wrestlers and prizefighters. His professional interest was aroused when he saw Feltus's assailants, some of whom he knew, that Feltus was not a policeman but a wrestler and that he was not seeking to identify them as having taken part in the shooting. They accepted Rose's word and Rose and Feltus left the place together. They chatted for a few minutes as Feltus walked in the direction of his place of employment in Nassau street and then they separated."

"They met by chance again a few days later in the street. Feltus told Feltus he knew of an undertaking whereby Feltus could make \$2,000. Rose suggested that to make sure that no one might overhear them they walk across Brooklyn Bridge. Feltus consented."

**Plan to Trap Rosenthal.**

"After he had reached a point where no persons were near them Rose, according to Feltus, said that Rose and certain of his friends wished a gambler named Herman Rosenthal put out of the way. He proposed that Feltus go to Canada, where he had previously lived, dress himself in such a manner as to create the impression that he was a green Canadian and return to New York, registering at a certain hotel as coming from some Canadian city."

"Then Feltus was to be introduced to Rosenthal as a Canadian with money who wished to invest it in partnership with some one else. In the establishment of a gambling house on the West Side, Rosenthal, meanwhile, was to be told of the Canadian by Rose. A furnished house was to be engaged on the pretence that this was the place in which Feltus could obtain an interest."

"After Rosenthal had been introduced to Feltus by Rose Rosenthal was to take him to the house, ostensibly to examine it. When they reached one of the rooms Feltus was to take Rosenthal in his powerful arms, and seizing him by the throat was to strangle him to death. After he was dead a handkerchief bearing the initial letter B was to be placed under the body, and one cuff link also having the initial letter B and slightly bent, as though it had been damaged in a scuffle, was to be likewise placed near the dead man."

"Meanwhile steps would have been taken to have Becker in the immediate neighborhood of the scene at the time of the murder, where he would purposely be seen by several persons, friends of Rose and his associates. When Rosenthal's body was discovered the telltale handkerchief and cuff link would be found, while witnesses would come forward and swear that they had seen Becker not far from the scene of the murder about the time it was committed."

"His arrest on suspicion would follow, together with his probable subsequent conviction on the charge of having killed Rosenthal. Becker, like Feltus, is a very powerful man and it could be shown that he was easily strong enough to have strangled Rosenthal to death, notwithstanding Rosenthal's struggles."

"For his work Rose told Feltus he would be paid \$2,000."

**Balks at Murder Plot.**

"When Rose had finished explaining the plot to Feltus the latter turned to him and said: 'You cowardly hound, what do you think I am? If you don't get away from me I'll throw you off this bridge.' Feltus could easily have done it too, for Rose would have been a child in his hands."

"Rose hurriedly left him and returned to the Manhattan end of the bridge. 'Feltus related the incident to others later. He is not now in New York, but he can be found if wanted.' 'Still another plot discussed was to inveigle Rosenthal into an automobile for a ride with some of the gang who had been up with him and who later were implicated in his murder. The plan was to drive the machine onto one of the North River ferries. Half way across the engine was to be started and

the full speed clutch thrown in. As the auto suddenly dashed ahead, breaking the light chain stretched across the end of the boat, the murderers, prepared in advance for what was to take place, would jump from the machine, if not already idly standing by on deck. The auto with Rosenthal in the tonneau would leap overboard and sink at once to the bottom of the river. Long before the ferryboat would be stopped Rosenthal would be drowned."

"This diabolical plot for some reason was not put into operation; why, I don't know. Perhaps Rosenthal, who himself was somewhat of a plotter, became suspicious of the invitation to take the automobile ride, but whatever the cause the plan was never carried out. Perhaps it offered no opportunity to involve Becker, while suspicion might

possibly have pointed too strongly to those concerned."

"There are other features in this now world famous case of which the public is not now informed, but which may become known later."

**Not Tried for Grafting.**

"I am not saying that Becker did or did not graft on Rosenthal and others; I don't know anything about that, perhaps he did graft, but he was not tried for grafting, but for murder, and it was for that he was convicted and sentenced to the electric chair; sentenced for a crime he did not commit, but which others, now free, did commit. Those men, to save their own lives, swore the crime on Becker, and by aid of circumstantial evidence, which, as every lawyer in the land knows, has sent

many innocent men to their death, succeeded in convicting him and bringing about their own escape."

"If Becker succeeds in obtaining a new trial he will go free, for facts will be brought out before the jury that will result in acquitting him and fixing the crime of killing Rosenthal upon those whose hands to-day are red with his blood."

**Antelope Drive Through Wild Turkey Flocks.**

AMERICUS, Ga., Nov. 29.—While driving to Americus yesterday evening L. D. Lockhart ran his automobile accidentally into a large flock of wild turkeys crossing the road in Milledgeville swamp killing a big gobble, which he secured as a trophy.

Another motoring party ran into a flock of forty-seven wild turkeys near town, but all escaped the wheels.

## STERN BROTHERS

West 42nd and 43rd Streets, West of Fifth Avenue

Motor and Carriage Entrance on Forty-third Street

An Extraordinary Sale of 7000 Pairs of

## Women's and Men's Silk Hosiery

Women's Silk Hose, in black, white or tan, with cotton tops and extremely serviceable hie soles and heels, Pair 68c  
Regular \$1.00 Value

Women's Black Silk Hose, hand embroidered in new designs, with silk tops and cotton soles, Pr. \$1.48  
Regular \$2.25 Value

Women's French Silk Hose, in black or white, open work instep and self embroidered, double tops, reinforced soles and heels, Pair, \$3.65  
Regular \$5.00 Value

Women's French Silk Hose, in black or white, with lace insertion, double tops, soles and heels, Pr. \$4.15  
Regular \$7.50 Value

Women's Pure Thread Silk Hose, in black, white or colors, with double silk tops and soles, Pair 89c  
Regular \$1.50 Value

Men's Silk Half Hose, in black and assorted colors, hie tops and extremely serviceable soles and heels, Pr. 42c  
Regular 65c Value

Men's Heavy Silk Half Hose, in black and staple shades, Pair 75c  
Regular \$1.25 Value

Men's Imported Silk Half Hose, iridescent shot, in various new and desirable color combinations, Pair \$1.25  
Regular \$1.75 Value

## The Toy Department—On the Fourth Floor

Offers extensive assortments of select Imported and American Toys, Dolls, Games and Children's Books of all kinds, including the latest inventions in Mechanical and Electrical Toys, among which are noted:

Moving Picture Machines, Electrical Trains, Locomotives, Trolley Cars with complete equipments, Steam Engines, War Ships, Steamboats, Aeroplanes, Autos, Pushmobiles, Bicycles, Skates, Kodaks and Supplies; Athletic Accessories, Etc., all at Decidedly Moderate Prices.

## Art Objects for Holiday Gifts—On the Fourth Floor

Including an especially noteworthy collection of Bronzes, Marbles, Marble Clocks and Clock Sets, in different period designs.

Unique and unusual Pottery and Bric-a-Brac, Hand-painted Miniatures on Brushes, Hand Mirror Backs, Powder Box Covers, Jewel Cases, Etc.

Electric Table and Standing Lamps.

Crystal Mounted Vases, Boxes and Baskets.

Smokers' and Writing Accessories, Candle and Lamp Shades.

Rich designs in English, Russian, Glinori and Limoges China

Plates, Cups and Saucers, and Table Service.

Engraved Rock Crystal, Gold Decorated and Etched Glassware.

also exceptional quality American Cut Glass.

## Gold, Platinum and Diamond Jewelry

embodying exclusive conceptions, especially suitable for Christmas Presents, ranging from the least expensive to the most costly, among which are suggested the following articles, at unusually attractive prices:

Silver Watch Bracelets, thin models, 15 jeweled adjusted movements, plain, polished and enameled, at \$13.50, 17.50, 21.00, 30.00

Tonneau 14 Karat Watch Bracelets, dial bezel, extension bracelets, 15 jeweled Swiss movements, at \$42.00

Tiny Watches, finger ring and bracelet models, enameled; also diamond encrusted bezels of 18 karat gold, \$175.00

Jeweled Chains, "Platinon," warranted same color all throughout and unplated; set with white crystals, \$5.50, 9.00, 11.50

Enameled Silver Novelties, including Boxes, Boudoir Belles, Vanity and Cigarette Cases.

Vanity Umbrella Handles, also large assortments of small articles, ranging in price from 50c to 6.50

## Fans, Opera Glasses, Lorgnons and Evening Bags

are shown in exceptional assortments from leading foreign sources. Included are Fans of Real Lace, Vernis Martin, Feather and Gauze; Bags for Afternoon and Evening Use; Men's Evening Dress Cases, of silk; new designs in Lorgnons, Etc.

Also for To-morrow, the following Articles Appropriate for Holiday Remembrances:

Favor Fans for Children, Flowers and Feathers, at 25c, 35c, 65c, 1.00, 1.75

Evening Bags, hand crocheted, pouch shape, at \$2.75, 4.25

Gauze Fans, hand painted, spangled, combinations of gold and silver etamine, sticks of bone and sandal wood, at 85c, 1.00, 1.50, 2.00, 2.50

Opera Glasses, Oriental pearl, achromatic lenses, with and without handles, at \$3.95, 8.00, 8.75, 10.50

For To-morrow, Monday, a Very Special Offering of

## Oriental Rugs and Carpets - On the Fifth Floor

including small, medium and room sizes, in the most desirable weaves, unusually well selected as to designs and colorings, offered at

One-third to One-half Less Than Former Prices

Beloochistsans, Kazakjias and Mousouls, sizes about 2 1/2 by 4 1/2 ft. to 3 1/2 by 6 ft., Formerly \$13.85, 19.50 and 22.50. Now at \$7.85, 9.75, 12.50

Kurdistsans, Fine Mousouls and Irans, sizes about 3 1/2 by 4 1/2 ft. wide by 6 to 8 ft. long, Formerly \$29.50 to 39.00, at 17.50, 22.50

Kirmanshahs, Sarouks and Fine Irans, in sizes from 4 1/2 by 5 1/2 ft. wide by 6 to 8 ft. long, Formerly \$75.00 to 85.00, at \$39.75 to 49.50

## Room Size Oriental Rugs

Persian Mahals and Serabends, Formerly \$125.00 to 188.00, at 75.00 to 95.00

Persian Serapias and Ghorovans, " 188.00 to 295.00, " 100.00 " 175.00

Persian Kirmanshahs and Sarouks, " 350.00 to 748.00, " 188.00 " 425.00

Also a number of extraordinarily large sizes from 12 to 20 ft. wide by 16 to 28 ft. long. Formerly \$450.00 to 1750.00, from 295.00 " 950.00